

TITLE VII TRAFFIC CODE CHAPTER 72: PARKING REGULATIONS

ARTICLE I GENERAL PROVISIONS

72.01	APPLICATION OF PARKING PROHIBITIONS OR LIMITATIONS.....	5
72.02	NONCONSENSUAL, POLICE-INITIATED TOWING, STORAGE AND IMPOUNDMENT PROCEDURES.....	5
72.03	PARKING PROHIBITED IN CERTAIN PLACES	6
72.04	UNATTENDED VEHICLES	6
72.05	STARTING A STOPPED VEHICLE	6
72.06	METHOD OF PARKING	6
72.07	DESIGNATION AND MARKING OF AREAS WHERE PARKING IS PROHIBITED OR RESTRICTED	7
72.08	ILLEGAL PARKING AND OVERTIME PARKING.....	7
72.09	PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS.....	7
72.10	PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS.....	7
72.11	STOPPING, STANDING, OR PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS.....	7
72.12	PARKING TIME LIMITED TO ONE HOUR ON CERTAIN STREETS	7
72.13	TWO HOUR PARKING ZONES; TOWING PROCEDURES.....	7
72.14	PARKING NEAR SCENE OF FIRE.....	8
72.15	PARKING RESTRICTIONS ON CITY STREETS IN GENERAL AND FOR LARGE TRUCKS, TRACTORS AND TRAILERS AND NON EMERGENCY REPAIRS	8
72.16	PARKING PROHIBITED WITHIN FIRE LANES	8
72.17	ILLEGAL PARKING IN DISABILITY PARKING AREAS, PENALTIES	8
72.18	RESIDENTIAL PARKING PERMIT PROGRAM FOR THE ENTERTAINMENT DISTRICT PARKING ZONE.....	8
72.19	PARKING BLOCKING A MAILBOX PROHIBITED	10
72.20-72.29	RESERVED	10

FAYETTEVILLE CODE OF ORDINANCES
TITLE VII TRAFFIC CODE

ARTICLE II LOADING ZONES

72.30	DESIGNATION OF AND PERMIT FOR CURB LOADING ZONES.....	10
72.31	RESTRICTED USE OF PASSENGER AND FREIGHT CURB LOADING ZONES	10
72.32	DESIGNATION OF BUS STOPS AND TAXICAB STANDS; USE OF SUCH LOCATIONS.....	11
72.33	HOTEL LOADING ZONES	11
72.34	PARKING SIGNS OR CURB MARKINGS AUTHORIZED	11
72.35-72.49	RESERVED	11

ARTICLE III PARKING METERS

72.50	DEFINITIONS.....	11
72.51	PRESUMPTION AS TO UNLAWFUL PARKING IN METERED SPACE AND PAID PARKING SPACE OR LOT SERVICED BY AN ELECTRONIC PAYMENT STATION.....	12
72.52	PURPOSE OF DEPOSIT OR ELECTRONIC PAYMENT REQUIREMENT	12
72.53	DEPOSITING SLUGS OR MAKING SIMULATED ELECTRONIC PAYMENT PROHIBITED	12
72.54	TAMPERING WITH METERS OR ELECTRONIC PAYMENT STATIONS PROHIBITED	12
72.55	COLLECTIONS FROM METERS AND ELECTRONIC PAYMENT STATIONS.....	13
72.56	LOADING ZONES NOT PROHIBITED	13
72.57	PARKING METER ZONES.....	13
72.58	OFF-STREET PARKING FACILITIES; RULES AND RATES	13
72.59	DICKSON STREET ENTERTAINMENT DISTRICT ANNUAL PARKING PASS PROGRAM	18
72.60-72.69	RESERVED	18

ARTICLE IV NONCONSENSUAL TOWING REGULATIONS

72.70	APPLICATION	18
72.71	REQUIREMENTS FOR PROPER SIGNAGE BEFORE NONCONSENSUAL TOWING FROM PRIVATE PARKING LOTS IS PERMITTED WITHIN THE ENTERTAINMENT DISTRICT PARKING ZONE.....	19
72.72	REGULATIONS OF TOWING AND STORAGE COMPANIES.....	19

72.73	REGULATION OF WHEEL CLAMPS OR BOOTING ON PRIVATE PAY TO PARK LOTS THROUGHOUT FAYETTEVILLE	20
72.74-72.98	RESERVED	21
72.99	PENALTIES	21

FAYETTEVILLE CODE OF ORDINANCES
TITLE VII TRAFFIC CODE

FAYETTEVILLE CODE OF ORDINANCES
TITLE VII TRAFFIC CODE

CHAPTER 72 PARKING REGULATIONS

**ARTICLE I
GENERAL REGULATIONS**

**72.01 Application Of Parking
Prohibitions Or Limitations**

The provisions of this chapter prohibiting the standing or parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device. The provisions of this chapter imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times. The overtime parking prohibitions prescribed by this chapter shall not apply to governmental vehicles.

(Code 1965, §19-139; Ord. No. 1447, 6-7-65; Ord. No. 3350, 4-29-88)

*Cross reference(s)--Parking in public parks, §97.052.

**72.02 Nonconsensual, Police-Initiated
Towing, Storage And Impoundment
Procedures**

(A) In addition to ticketing an illegally parked vehicle, the police department is hereby authorized to initiate a nonconsensual tow or otherwise remove a vehicle from a highway, street, street right-of-way, or city parking lot and have it towed to a storage facility within Fayetteville or within three miles of the city limits under the following circumstances:

- (1) When any vehicle is left unattended upon any bridge, viaduct or causeway or in any tunnel where such vehicle constitutes an obstruction to traffic.
- (2) When a vehicle upon a highway is so disabled as to constitute an obstruction to traffic and the person in charge of the vehicle is by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal.
- (3) When any vehicle is parked illegally and left unattended upon a street or street right-of-way, and
 - (a) constitutes a hazard or obstruction to the normal movement of traffic on the street,

- (b) obstructs a driveway or access to a fire hydrant,

- (c) is parked in a prohibited area or tow away zone that is so designated by a sign or other official markings, or

- (d) is parked continuously upon any street for more than seventy-two hours.

- (4) When any vehicle is parked beyond the period allowed in a city parking lot and the parking space is needed for reserved parking or a special event or if parked more than 24 continuous hours beyond the period allowed. The Mayor or mayor's designee may also order such illegally parked vehicle in a city parking lot to be towed at the vehicle owner's expense."

- (5) If a difficult to tow vehicle that cannot reasonably be towed by the property owner's normal towing company needs to be removed from a private parking lot, the parking lot owner may request the police department to initiate a nonconsensual tow. If the police officer agrees that the vehicle presents an unusual and difficult towing situation and the property owner presents facts to support a substantial need for the immediate removal of the vehicle, the police officer may initiate a nonconsensual tow using the police department's normal towing company.

- (B) Whenever the police department removes a vehicle from a street under this section and does know or is able to ascertain from the registration records in the vehicle the name and address of the owner thereof, the police department shall immediately give or cause to be given notice in writing to such owner of the fact of such removal and the reasons therefor and the place to which such vehicle has been removed.

- (C) Whenever the police department moves a vehicle from a street under this section and does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give the notice to the owner as hereinabove provided, and in the event the vehicle is not returned to the owner within a period of three days, written report of such removal shall be made to the state department whose duty it is to register motor vehicles. Such

FAYETTEVILLE CODE OF ORDINANCES
TITLE VII TRAFFIC CODE

notice shall include a complete description of the vehicle, the date, time and place from which removed, the reasons for such removal, the name of the garage or place where the vehicle is stored.

- (D) The owner or lessee of any vehicle towed or impounded pursuant to this section is entitled to a prompt post-deprivation hearing and all rights there under as provided in §72.58(L). The owner or lessee of any vehicle properly towed pursuant to this section shall be required to pay the towing and storage costs.

(Code 1965, §19-140; Ord. No. 1447, 6-7-65; Ord. No. 2630, 5-6-80, Code 1991, §72.02; Ord. No. 4388, 4-16-02; Ord. 5326, 6-1-10)

Cross reference--Penalty, §72.99.

72.03 Parking Prohibited In Certain Places

No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device, in any of the following places:

- (A) On a sidewalk.
- (B) In front of a public or private driveway.
- (C) Within an intersection.
- (D) On a crosswalk.
- (E) Within 15 feet of a fire hydrant.
- (F) Within 20 feet of a crosswalk at an intersection.
- (G) Within 30 feet upon the approach to any flashing beacon, stop sign or traffic control signals located at the side of a roadway.
- (H) Between a safety zone and the adjacent curb or within 30 feet of points of the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings.
- (I) Within 50 feet of the nearest rail of a railroad crossing.
- (J) Within 20 feet of the driveway entrance to any fire station and, on the side of the street opposite the entrance to any fire station, within 75 feet of said entrance, when properly signposted.
- (K) Alongside or opposite any street excavation obstruction when such stopping, standing or

parking would obstruct traffic.

- (L) On the roadway side of any vehicle stopped or parked at the edge of a curb or street.
- (M) Upon any bridge or other elevated structure upon a highway or within a highway tunnel.
- (N) At any place where official signs prohibit stopping.

(Code 1965, §19-110; Ord. No. 1447, 6-7-65; Code 1991, §72.03)

Cross reference(s)--Penalty, §72.99.

State law reference(s)--Restrictions on stopping, standing, or parking generally, A.C.A. §27-51-1301; Stopping, standing, or parking prohibited in specified places, A.C.A. §27-51-1302; Stopping, standing, or parking outside of business or residence district, A.C.A. §27-51-1303.

72.04 Unattended Vehicles

No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition and removing the key or, when standing upon any perceptible grade, without effectively setting the brake thereon and turning the front wheels to the curb or side of the highway.

(Code 1965, §19-109; Ord. No. 1447, 6-7-65; Code 1991, §72.04)

Cross reference(s)--Penalty, §72.99.

State law reference(s)--Unattended motor vehicles, A.C.A. §27-51-1306.

72.05 Starting A Stopped Vehicle

No person shall start a vehicle which is stopped, standing or parked unless and until such movement can be made with reasonable safety.

(Code 1965, §19-112; Ord. No. 1447, 6-7-65; Code 1991, §72.05)

Cross reference(s)--Penalty, §72.99.

State law reference(s)--Starting of vehicles, A.C.A. §27-51-1308.

72.06 Method Of Parking

Pursuant to A.C.A. §27-51-1301, a vehicle parked on any street in the city shall be parked on the right-hand side of the street, headed in the direction of traffic with its right-hand wheels parallel to and within 18 inches of the curb, except where streets have been marked for angle parking, and except that, on one-way streets, vehicles may be parked on the left-hand side of the street, unless parking is prohibited on such side. In every case, a vehicle shall be parked entirely within any lines or markings on the street designating parking

FAYETTEVILLE CODE OF ORDINANCES
TITLE VII TRAFFIC CODE

spaces.

(Code 1965, §19-120; Ord. No. 1447, 6-7-65; Code 1991, §72.06)

Cross reference(s)--Penalty, §72.99.

State law reference(s)--Restrictions on stopping, standing, or parking generally, A.C.A. §27-51-1301.

72.07 Designation And Marking Of Areas Where Parking Is Prohibited Or Restricted

The Mayor may, from time to time, designate streets or portions thereof, or other areas, where the parking of vehicles is prohibited, limited or restricted, and it shall be the duty of the traffic superintendent to indicate such areas by appropriate markings or signs giving notice of the prohibition, limitation or restriction.

(Code 1965, §19-121; Ord. No. 1447, 6-7-65; Code 1991, §72.07)

Cross reference(s)--Penalty, §72.99.

72.08 Illegal Parking And Overtime Parking

It shall be unlawful for any person to cause, allow or permit any vehicle registered in his name or owned or operated by him to be parked in any space or area in which parking is prohibited or to remain in any parking space for a longer time than designated for the particular space, or to be parked or to remain in violation of any restriction on parking imposed by the City. This section shall be enforced only when appropriate signs or markings are in place as required by §72.07.

(Code 1965, §19-122; Ord. No. 1447, 6-7-65; Code 1991, §72.08)

Cross reference(s)--Penalty, §72.99.

72.09 Parking Prohibited At All Times On Certain Streets

When signs are erected on any street or part of street giving notice thereof, no person shall park a vehicle on the side or sides of any such street or part of street so designated for no parking.

(Code 1965, §19-123; Ord. No. 1447, 6-7-65; Code 1991, §72.09)

Cross reference(s)--Penalty, §72.99.

72.10 Parking Prohibited During Certain Hours On Certain Streets

When signs are erected on any street, or part of street, in each block giving notice thereof, no person shall park a vehicle on any such street, or part of street in each block so designated between the hours specified by the signs, except on weekends and public holidays.

(Code 1965, §19-124; Ord. No. 1447, 6-65; Ord. No. 4388, §2, 4-16-02)

72.11 Stopping, Standing, Or Parking Prohibited During Certain Hours On Certain Streets

When signs are erected on any street, or part of street, in each block giving notice thereof, no person shall stop, stand, or park a vehicle on any such street, or part of street in each block so designated between the hours specified by the signs, except on weekends and public holidays.

(Code 1965, §19-125; Ord. No. 1447, 6-7-65; Ord. No. 4388, §3, 4-16-02)

72.12 Parking Time Limited To One Hour On Certain Streets

When signs are erected on any street, or part of street, in each block giving notice thereof, no person shall park a vehicle on any such street, or part of street, in each block so designated for longer than one hour at any time between the hours of 7:00 a.m. and 6:00 p.m. of any day, except weekends and public holidays.

(Code 1965, §19-126; Ord. No. 1447, 6-7-65; Ord. No. 4388, §4, 4-16-02)

72.13 Two Hour Parking Zones; Towing Procedures

(A) The parking manager is hereby authorized to determine the location of two-hour parking zones and to place and maintain appropriate signs indicating the same and stating the hours during which such limitations are applicable. All such locations heretofore and hereafter designated as two-hour parking zones shall be subject to the provisions of this section.

(B) No person shall park any vehicle in any two-hour parking zone located in the city for longer than two consecutive hours during any four-hour period, except on weekends and public holidays.

(Code 1965, §19-127; Ord. No. 1447, 6-7-65; Ord. No. 2769, 11-3-81; Ord. No. 2784, 12-15-81; Ord. No. 2915, 4-19-83; Ord. No. 4388, §5, 4-16-02)

FAYETTEVILLE CODE OF ORDINANCES
TITLE VII TRAFFIC CODE

72.14 Parking Near Scene Of Fire

It shall be unlawful for any person to park any vehicle within any block where fire apparatus has stopped in answer to a fire alarm.

(Code 1965, §19-128; Ord. No. 1447, 6-7-65; Code 1991, §72.14)

Cross reference(s)--Penalty, §72.99.

State law reference(s)--Following fire apparatus, A.C.A. §27-51-902.

72.15 Parking Restrictions On City Streets In General and For Large Trucks, Tractors and Trailers and Non Emergency Repairs

- (A) *All Vehicles.* No person shall park a vehicle at the same location on a city street for longer than fourteen consecutive days, nor park any vehicle requiring a license plate without its valid and current license plate properly affixed thereto.
- (B) *Large vehicles.* No person shall park a truck, tractor or trailer with a capacity of over one ton, or the chassis thereof, on any street between the hours of 12:00 midnight and 6:00 a.m.
- (C) *Nonemergency repairs.* No person shall use any street for the purpose of repairing or reconditioning any vehicle or trailer, except when such repairs shall be necessitated by an emergency.

(Code 1965, §19-130; Ord. No. 1447, 6-7-65; Code 1991, §72-15; Ord. 5598, 7-2-13)

Cross reference(s)--Penalty, §72.99.

72.16 Parking Prohibited Within Fire Lanes

It shall be unlawful for any person to park any motor vehicle or motorcycle within a designated fire lane. The police department shall not be required to patrol any fire lane at Northwest Arkansas Mall, but upon being called, police officers shall come to the scene of an alleged violation and may issue a citation or arrest the offender, if the offense is committed or is in existence in the presence of the officer.

(Code 1965, §19-141; Ord. No. 2427, 3-14-78; Code 1991, §72.16; Ord. 5598, 7-2-13)

Cross reference(s)--Penalty, §72.99.

72.17 Illegal Parking In Disability Parking Areas, Penalties

Any vehicle found to be parked in an area designated for the exclusive use of any person with a disability as set forth in the Access to Parking for Persons with Disabilities Act (Act 907 of 1985 as amended, Americans with Disabilities Act, 28 C.F.R. Part 36, Appx. A), on which is not displayed a special license plate, a special certificate, or an official designation of another state as authorized by the aforementioned Act, or which is found to be parked in an area designated for the exclusive use of any person with a disability, if operated by a person who is not being used for the actual transporting of a person with a disability shall be subject to impoundment by the appropriate law enforcement agency. In addition thereto, the owner or operator of the vehicle shall, upon conviction, be subject to a fine of not less than \$100.00, nor more than \$500.00 for each offense, plus applicable towing impoundment, and related fees, as well as court costs.

(Ord. No. 4120, §1, 9-1-98)

State law reference(s)--Penalties, A.C.A. §27-15-305; Parking privileges - Exceptions, A.C.A. §27-15-312.

Federal law reference(s)--Americans with Disabilities Act, 28 C.F.R. Part 36, Appx. A. Secs. 72.18--72.29. Reserved.

72.18 Residential Parking Permit Program For The Entertainment District Parking Zone

- (A) *Applicability:* This Residential Parking Permit Program shall be applicable within the Entertainment District Parking Zone as shown and described on Exhibit A attached to the enacting ordinance. This parking zone will be further divided by Dickson Street into the North Zone for included residents living north of Dickson Street and the South Zone for included residents living south of Dickson Street. The block of Ila Street between Wilson Avenue and Vandeventer Avenue is added to and is hereby made a part of the North Zone of the Entertainment District Parking Zone.

- (B) *Definitions:*

"Resident" means a natural person residing within a dwelling that the resident owns, leases or rents within the Entertainment District Parking Zone.

"Registered vehicle" means a motorized, validly state licensed and insured vehicle kept at the residence owned or leased by the resident within the Entertainment District Parking Zone. The Arkansas Vehicle Registration Certificate for the vehicle should list the residence within the Entertainment District. The Parking Division may accept other reliable documentation of ownership

FAYETTEVILLE CODE OF ORDINANCES
TITLE VII TRAFFIC CODE

or occupancy of a residence within the Zone to justify issuance of a residential parking permit for a resident's vehicle.

'Residential parking permit' means the currently valid permit issued by Parking Division which allows the resident to park the permitted resident's vehicle in an authorized on-street parking zone pursuant to the terms of this section.

'Guest pass' means the pass or authorization to park within the appropriate on-street parking zone pursuant to this section.

'Fuel efficient scooter or bicycle' means bicycles, gas powered scooters not exceeding 70 cubic centimeters and electric powered bicycles and scooters.

- (C) *Restricted parking periods:* From 2:00 p.m. on Sundays and 10:00 a.m. Monday through Saturday until 2:00 a.m. every day, designated on-street parking spaces within the Entertainment District Parking Zone North and South shall be restricted to properly permitted vehicles. The owner of any vehicle improperly parked during this period shall be subject to the penalties set forth in §72.99.
- (D) *On-street parking restrictions for most vehicles in the Entertainment District Parking Zone:* Where designated by signs and as shown on the exhibits, only residents of the Entertainment District Parking Zone North shall be permitted to park their properly permitted vehicles in the designated on-street parking areas of the Residential Parking Zone North of Dickson Street during the restricted parking period. Where designated by signs and as shown on the exhibits, only residents of the Entertainment District Parking Zone South shall be permitted to park their properly permitted vehicles in the designated on-street parking areas of the Residential Parking Zone South of Dickson Street during the restricted parking period.
- (E) *Special regulations for oversized vehicles, motorcycles, motor scooters and bicycles:* No vehicle that cannot fit within a standard on-street parking space may be parked on-street in the Entertainment District Parking Zone unless its owner or operator has obtained a special limited time and location permit pursuant to (1).
 - (1) An operator or owner of a moving van or other oversized vehicle that needs to park on-street in a designated area for a limited time to serve a residence, business or office within the Entertainment District Parking Zone may be

issued a special, limited time and location parking permit by the Parking Division.

- (2) A resident of the Entertainment District Parking Zone who owns a motorcycle or motor scooter with over 70 cubic centimeters displacement may be issued a residential permit which shall allow free parking only in specially designed motorcycle/motor scooter on-street parking spaces and is prohibited from parking in standard on-street parking spaces reserved for residents' cars. Operators of motorcycles and motor scooters may park in paid parking spaces at the standard parking rate. No motorcycle nor any motor scooters may be parked on a sidewalk.
- (3) Operators of fuel efficient scooters and bicycles may park for free in specially designated parking spaces, but must pay the standard parking rate if parked in a normal paid parking space. No bicycle may be parked on a sidewalk unless it is utilizing a permanently installed and permitted bicycle rack.
- (F) *Mixed use on-street parking on Spring Street and School Avenue.* On street parking spaces on Spring Street from Block Avenue to West Avenue and on School Avenue from Center Street to Spring Street shall be available to the public for paid parking and to residents of the Entertainment District Parking Zone South for properly permitted vehicles free of charge.
- (G) *Free public use of paid on-street parking.* From 2:00 AM until 2:00 PM every day, all on-street paid parking spaces within the Entertainment District Parking Zone shall be free of charge and available to the public.
- (H) *Temporary guest passes:* An Entertainment District Parking Zone resident may request the City to issue temporary guest passes for visitors to their residence. The Mayor or designee shall administer a guest pass program with the goal of accommodating the needs of both residents and businesses within the Entertainment District Parking Zone. Use of a guest pass in a manner not authorized by the guest pass program shall be a violation of this section for the vehicle's owner.
- (I) *Residential parking permits may not be loaned, transferred, sold or used except on the designated registered vehicle:* Any resident who attempts to or does loan, transfer, sell or give a residential parking permit to another person or entity, or who facilitates

FAYETTEVILLE CODE OF ORDINANCES
TITLE VII TRAFFIC CODE

the use of the permit obtained for his registered vehicle on a nonregistered vehicle shall, in addition to the general penalty provisions in this chapter, immediately forfeit all permits issued to the resident and the right to apply for any future permits for three years.

- (J) *Penalty:* The owner of any vehicle parked in violation of any term or requirement of this section shall be guilty of a violation and shall be subject to the penalties set forth in §72.99.

(Ord. 5323, 6-1-10; Ord. 5368, 12-7-10; Ord. 5558, 01-03-13; Ord. 5598, 7-2-13)

72.19 Parking Blocking a Mailbox Prohibited

- (A) A person may not park his or her vehicle on a city street in front of and blocking a mailbox from 8:00 a.m. until 5:00 p.m., Monday through Saturday. This prohibition of parking shall not be applicable or enforced on any day that USPS does not deliver mail such as all Federal Holidays.

- (B) The penalty for a violation of this section shall be as set forth in §72.99 (B).

(Ord. 5764, 5-5-15)

72.20-72.29 Reserved

(Ord. 5764, 5-5-15)

ARTICLE II LOADING ZONES

72.30 Designation Of And Permit For Curb Loading Zones

- (A) The traffic superintendent is hereby authorized to determine the location of passenger and freight curb loading zones and shall place and maintain appropriate signs indicating the same and stating the hours during which the provisions of this section shall be applicable.
- (B) The traffic engineer shall not designate or sign any curb loading zone upon special request of any person unless such person makes application for a permit for such zone and for one sign to indicate each zone.
- (C) Any person desiring passenger or loading or unloading zones may make application in writing to the traffic superintendent and shall pay to the city

\$120.00 per meter space, per year.

- (D) In the event such request is for a loading zone outside of the parking meter district, then such person making the request shall pay to the city an annual fee of \$2.00 per foot per year for the purpose of covering the expense of the city in painting and designating with appropriate signs, and otherwise maintaining such limited parking or unloading zones. Such payment shall be made to the city on or before the first day of July of each and every year.

- (E) The person or persons who own the property adjacent to any zone designated by the traffic superintendent shall not be required to pay said maintenance fee as required by this section, provided such zone is designated by the traffic superintendent for the convenience of the general public. Such zones shall be maintained and cared for at the expense of the city.

- (F) It is hereby declared to be unlawful for any person to paint the curb, sidewalk or any part of the street of the city in any manner whatsoever, and it shall be unlawful for any person to designate any part of the street of the city as being limited in any manner with respect to parking thereon.

(Code 1965, §19-31; Ord. No. 1447, 6-7-65; Ord. No. 2405, 12-20-77; Code 1991, §72.30)

Cross reference(s)--Penalty, §72.99.

72.31 Restricted Use Of Passenger And Freight Curb Loading Zones

- (A) No person shall stop, stand or park a vehicle for any purpose or period of time, other than for the expeditious loading or unloading of passengers, in any place marked as a passenger curb loading zone during hours when the regulations applicable to such curb loading zones are effective, and then only for a period of not to exceed three minutes.
- (B) No person shall stop, stand or park a vehicle for any purpose or length of time, other than for the expeditious unloading and delivery or pick-up and loading of materials, in any place marked as a freight curb loading zone during hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading and unloading of materials exceed 15 minutes. During the entire time that a driver is parked and loading or unloading materials, the driver must turn on the vehicle's emergency flashers.

(Code 1965, §§119-132, 119-133; Ord. No. 1447, 6-7-65; Code

FAYETTEVILLE CODE OF ORDINANCES
TITLE VII TRAFFIC CODE

1991, §72.31; Ord. 5598, 7-2-13)

Cross reference(s)--Penalty, §72.99.

72.32 Designation Of Bus Stops And Taxicab Stands; Use Of Such Locations

- (A) The traffic superintendent is hereby authorized to establish bus stops, bus stands, taxicab stands and stands for other passenger common-carrier motor vehicles on the public streets in such places as he shall determine to be of the greatest benefit and convenience to the public, such bus stops, bus stands, taxicab stands or other stands so established shall be designated by appropriate signs where deemed by the traffic superintendent as necessary.
- (B) The following rules shall govern the stopping, standing and parking of buses and taxicabs:
- (1) The operator of a bus shall enter a bus stop, bus stand or passenger loading zone or other location where passengers are normally discharged or picked up in such manner that the bus, when stopped to load or unload passengers or baggage, shall be in a position as close to the curb as possible, so as not to impede unduly the movement of other vehicular traffic.
 - (2) The operator of a taxicab shall not stand or park such vehicle upon any street at any place other than in a taxicab stand designated by the traffic superintendent. This provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in the expeditious unloading or loading of passengers.
- (C) No person shall stop, stand or park a vehicle other than a bus in a bus stop or other than a taxicab in a taxicab stand when such stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading and unloading passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone.

(Code 1965, §§19-134--19-136; Ord. No. 1447, 6-7-65; Ord. No. 2745, 8-4-81; Code 1991, §72.32)

Cross reference(s)--Penalty, §72.99.

72.33 Hotel Loading Zones

The traffic superintendent shall establish and mark hotel zones to be used solely for the loading and unloading of passengers and baggage. Standing or parking in such hotel zones shall be limited to 15 minutes and no person shall park a vehicle in a hotel zone except for the purpose of taking and discharging passengers and baggage destined for such hotel.

(Code 1965, §19-137; Ord. No. 1447, 6-7-65; Code 1991, §72.33)

Cross reference(s)--Penalty, §72.99.

72.34 Parking Signs Or Curb Markings Authorized

Whenever the Fayetteville Code imposes a parking time limit or prohibits or limits parking or stopping on any street or part of street, the Traffic Superintendent shall be authorized where necessary to erect signs or to paint curb markings on such street or part of street giving notice thereof.

(Code 1965, §19-138; Ord. No. 1447, 6-7-65; Ord. No. 2650, 7-15-80; Code 1991, §72-34; Ord. No. 5765, 5-5-15)

Cross reference(s)--Penalty, §72.99.

72.35-72.49 Reserved

ARTICLE III PARKING METERS

72.50 Definitions

For the purpose of this article the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Downtown Business District Parking Zone. The area depicted on the map and described on Exhibit B attached to this enacting ordinance.

Electronic Payment Stations: A place where a person who has parked his vehicle in a Entertainment District Parking Zone paid parking space or lot may pay the appropriate fee for the paid parking space.

Employee Parking Card: A card issued by the Parking Division for use only by employees of businesses operating in the Entertainment District Parking Zone which may be discounted by the Mayor up to 90% of normal parking rates for certain paid parking spaces within the Zone.

Entertainment District Parking Zone: The area

FAYETTEVILLE CODE OF ORDINANCES
TITLE VII TRAFFIC CODE

depicted on the map and described on Exhibit A attached to this enacting ordinance.

Operator. Every individual shall operate a vehicle as the owner thereof, or as the agent, employee or permittee of the owner, or any person who is in actual physical control of a vehicle.

Park or parking. The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of, and while actually engaged in, receiving or discharging passengers or loading or unloading merchandise or in obedience to traffic regulations, signs or signals or an involuntary stopping of the vehicle by reason of causes beyond the control of the operator of the vehicle.

Parking meter. Portions of streets within which the parking of vehicles are controlled, regulated, and inspected with the aid of timing devices or meters, herein referred to as "parking meters" or "meters".

Parking meter facility. Any real estate (except any public street, avenue, road, alley, or highway not specifically described herein) owned, leased, or operated by the city, upon which parking meters are installed and in operation for the use of vehicles.

Parking meter space. Any space within a parking meter facility or parking meter zone adjacent to a parking meter and which is duly designated and marked for the parking of a vehicle in accord with this article.

Parking meter zones. Portions of streets described and established by the City Council as zones within which the parking of vehicles shall be controlled, regulated, and inspected with the aid of timing devices or meters, herein referred to as "parking meters" or "meters".

Vehicle. Any device in, upon or by which any person or property is or may be transported upon a street, except a device which is operated upon rails or tracks.

(Code 1965, §19-51; Ord. No. 931, 2-23-48; Ord. No. 1083, 6-6-55, Ord. No. 4222, 2-15-00; Code 1991, §72.50; Ord. 5324, 6-1-10; Ord. No. 5369, 12-7-10; Ord. 5598, 7-2-13)

72.51 Presumption As To Unlawful Parking In Metered Space And Paid Parking Space Or Lot Serviced By An Electronic Payment Station

The indication on the parking meter or within the Electronic Payment Station System that the paid for time has expired shall be presumptive evidence, as to the parked vehicle then found in the parking space or

paid parking lot regulated by such parking meter or the Electronic Payment Station System, that the owner or driver has failed to pay for all the parking used in such space or lot which shall be presumptive evidence of the violation of unlawful parking.

(Code 1965, §19-152; Ord. No. 931, 2-23-48; Ord. No. 1083, 6-6-55; Code 1991, §72.51; Ord. 5324, 6-1-10)

72.52 Purpose Of Deposit Or Electronic Payment Requirement

The coins required to be deposited in parking meters or the electronic payment required to be made at electronic payment stations by this article are for the purpose of regulating parking, to cover part of the cost of such necessary regulation for the convenience and protection of the public, to accumulate revenues to use for the construction of additional parking facilities including parking decks, and to provide operating revenue for the Walton Arts Center.

(Code 1965, §19-153; Ord. No. 931, 2-23-48; Ord. No. 1083, 6-6-55; Code 1991, §72.52; Ord. 5324, 6-1-10)

72.53 Depositing Slugs Or Making Simulated Electronic Payment Prohibited

- (A) It shall be unlawful for any person to deposit or cause to be deposited in any parking meter installed under this article any slug, device or substitute for a coin of the United States of America.
- (B) It shall be unlawful for any person to simulate an electronic payment at any electronic payment station installed under this article by any means.

(Code 1965, §19-154; Ord. No. 931, 2-23-48; Ord. No. 1083, 6-6-55; Code 1991, §72.53; Ord. 5324, 6-1-10)

Cross reference(s)--Penalty, §72.99.

72.54 Tampering With Meters Or Electronic Payment Stations Prohibited

It shall be unlawful for any person to deface, injure, tamper with, willfully break, destroy or impair the usefulness of, or to open without lawful authority, any parking meter or electronic pay station installed in accord with this article.

(Code 1965, §19-155; Ord. No. 931, 2-23-48; Ord. No. 1083, 6-6-55; Code 1991, §72.54; Ord. 5324, 6-1-10)

Cross reference(s)--Penalty, §72.99.

FAYETTEVILLE CODE OF ORDINANCES
TITLE VII TRAFFIC CODE

72.55 Collections from Meters and Electronic Payment Stations

"The Parking Manager shall collect all deposits or electronic transactions from parking meters and electronic payment stations installed under this article and deliver them to the Accounting Department or as directed by the Mayor.

(Code 1965, §19-156; Ord. No. 931, 2-23-48; Ord. No. 1082, 6-6-55; Ord. No. 1083, 6-6-55; Code 1991, §72.55; Ord. 5324, 6-1-10)

72.56 Loading Zones Not Prohibited

Nothing in this article shall be construed as prohibiting the city from providing for bus stops and taxicab stands and for other matters of similar nature, including the loading or unloading of trucks, vans or other commercial vehicles.

(Code 1965, §19-157; Ord. No. 931, 2-23-48; Ord. No. 1083, 6-6-55; Code 1991, §72.56)

72.57 Parking Meter Zones

- (A) The mayor, or his duly authorized representative, is hereby authorized to describe, establish and alter parking meter zones.
- (B) Parking meters shall be installed not more than two feet from the curb nor more than four feet from the front line of the parking space. Spaces shall be marked out as individual parking meter spaces for vehicles and kept clearly marked at all times. No parking meter authorized herein shall be so installed or a parking space so established that it will obstruct the convenient egress and ingress to any property butting on any street.
- (C) Each parking meter installed under this section, shall be set to operate upon the deposit therein of the prescribed coin or coins for the period of time prescribed as parking time limits in subsection (F) below. Each of such meters shall be so arranged so as to show or display a signal, which shall clearly indicate whether the time limit during which parking in that space is permitted has expired.
- (D) Any person parking a vehicle within a parking meter zone established by this section shall park the same wholly within the lines of the parking space marked as provided in subsection (B), and it shall be unlawful for any person to park or leave a vehicle in any such zone, unless it is wholly within such space. Where the parking meters are placed in front of parking spaces, the radiator shall be as near as possible to the parking meter controlling

the space, and where the parking meters are placed alongside the parking spaces, the front fender or front wheels of the vehicle shall be as near as possible to the parking meter controlling the space.

(E) *Regulated hours for parking meters.*

- (1) Within the Entertainment District Parking Zone between the hours of 2:00 PM until 2:00 AM every day, the owner or driver of a vehicle upon parking the vehicle in a parking meter space shall immediately deposit into the parking meter or electronic payment station sufficient money or other authorized payment as required in §72.58(H).
- (2) Within the Downtown Business District Parking Zone between the hours of 8:00 AM until 6:00 PM from Monday through Friday (except City holidays), the owner or driver of a vehicle upon parking the vehicle in a parking meter space shall immediately deposit into the parking meter sufficient money as required in §72.58(G).

(F) *Unlawful to leave vehicle parked in excess of allowed time.* "Upon the expiration of the legal parking time paid for and allowed pursuant to this chapter during the period that paid parking is required, it is unlawful for the owner or driver to leave the vehicle in the parking space. Violation of such overtime parking shall be punished pursuant to §72.99.

(Code 1965, §§19-169--19-173; Ord. No. 931, 2-23-48; Ord. No. 1196, 4-6-59; Ord. No. 1775, 12-21-70; Ord. No. 2403, 12-6-77; Ord. No. 2410, 1-16-78; Ord. No. 2616, 4-1-80; Ord. No. 2769, 11-3-81; Ord. No. 4222, 2-15-00; Code 1991, §72.57; Ord. 5324, 6-1-10; Ord. 5598, 7-2-13)

Cross reference(s)--Penalty, §72.99.

72.58 Off-Street Parking Facilities; Rules And Rates

- (A) *Established.* The following named and described real estate lying within the corporate limits of the city is hereby established as and shall constitute parking meter facilities within the Downtown Business District Parking Zone
 - (1) Lots 8 to 15, inclusive, in Block 26 of the original plat of the city, including an alley 10 feet in width and running in an east and west direction and adjoining the southern boundary of Lots 12 to 15, inclusive, and the northern

FAYETTEVILLE CODE OF ORDINANCES
TITLE VII TRAFFIC CODE

- boundary of Lots 8 to 11 inclusive.
- (2) Lots 8, 9, 10, 11, 12, 13, 14 and 15 of Block 30, in the town (now city), as designated upon the original plat of said town.
- (3) Lot 9A and a part of Lot 10, in Block 29, of the original plat of the city.
- (4) Part of the Northwest Quarter of the Southwest Quarter of Section 15, Township 16 North, Range 30 West, described as follows: Beginning at a point 84 feet south and 25 feet east of the northwest corner of the said 40-acre tract, and running thence south 178 feet; thence east 70.3 feet; thence north 178 feet; thence west 70.3 feet to the point of beginning.
- (5) A part of Block 7, of the original plat of the city, more particularly described as beginning at a point 13 feet and two inches south of the northwest corner of said Block 7, running thence east 50 feet; thence south 267 feet to the point of beginning.
- (6) Lots 7, 8, 9 and 10 of Block 17 in the town (now city) as designated upon the original plat of said town.
- (7) Lots 8, 9 and 10 of Block 13 in the town (now city) as designated upon the original plat of said town.
- (8) Lots 1, 2, Lot 3, less 52.53 feet of equal and uniform width off the south side thereof, and Lot 12, less 50 feet of equal and uniform width off the south side thereof of Block 13 in the town (now city) as designated upon the original plat of said town.
- (9) Part of Block 25, in the town (now city) as designated upon the original plat of said town, and more particularly described as follows: Beginning at the northeast corner of Lot 1 in said Block 25, thence west 42 feet; thence south 49.3 feet; thence west 58 feet; thence south 58.7 feet to the center of a platted alley; thence east 100 feet; thence north 107 feet to the point of beginning.
- (10) Part of Block 15, in the original plat of the city, described as follows: Beginning at a point 127 feet west of the northeast corner of Block 15 and running thence south 206 feet to the north line of a 12-foot alley; thence west 177 feet to the east line of an alley; thence north 90 feet; thence east 22 feet; thence north 116 feet to the south line of Meadow Street; thence east 17 feet; thence south 27 feet; thence east 20 feet; thence north 27 feet to the south line of Meadow Street; thence east 118 feet to the point of beginning.
- (11) Lots numbered 12 and 13 in Block 30 of the original town (now city).
- (B) *Definitions.* For the purpose of this section "public off-street automobile parking facilities" are defined as accommodations procured or provided, or both, by public authority for the parking of motor vehicle off the street or highway, and open to public use with or without charge. Parking facilities may consist of lots, garages, or other structures and accessories; they may be surfaced facilities or facilities above or below ground.
- (C) *Marking of parking spaces.* The mayor is hereby authorized to mark off individual parking spaces in the parking meter facilities established by this section, such parking spaces to be designated by lines painted or durably marked on the curbing or otherwise.
- (D) *Installation, location, mechanical requirements, and maintenance of meters within the Downtown Business District Parking Zone.* In the parking meter facilities established by this article, the mayor shall cause parking meters to be installed upon the curb immediately adjacent to the parking spaces marked in accord with subsection (C) above, such installation to be placed not more than two feet from the curb or concrete islands as provided, and the mayor shall be responsible for the regulation, control, operation, maintenance, and use of such parking meters. Each parking meter installed shall indicate by proper legend the legal parking time established by the city and, when operated, shall at all times indicate the balance of legal parking time, and at the expiration of such period shall indicate illegal or overtime parking.
- (E) *Vehicles to be parked entirely within parking spaces.* At each space marked off in accord with subsection (C) above, it shall be unlawful for any person to park any vehicle across any lines or markings of such space or in such position that the vehicle shall not be entirely within the area designated by such lines or markings.
- (F) *Deposit of coin required.*
- (1) Except in a period of emergency determined by an officer of the fire or police departments, or in compliance with the directions of a police officer or traffic control sign or signal, when

FAYETTEVILLE CODE OF ORDINANCES
TITLE VII TRAFFIC CODE

any vehicle is parked in any parking space alongside or next to which a parking meter is located in accord with this section, the operator of such vehicle shall, upon entering the parking meter space, immediately deposit or cause to be deposited in the meter such proper coin of the United States as is required for such parking meter and is designated by proper directions on the meter, and when required by the directions on the meter, the operator of such vehicle, after the deposit of the proper coin or coins, shall also set in operation the timing mechanism on such meter in accordance with directions properly appearing thereon. Failure to deposit such proper coin, and to set the timing mechanism in operation when so required, shall constitute a violation of this section. Upon the deposit of such coin (and the setting of the timing mechanism in operation when so required) the parking space may be lawfully occupied by such vehicle during the period of time which has been prescribed; provided that any person placing a vehicle in a parking meter space adjacent to a meter which indicates that unused time has been left in the meter by the previous occupant of the space shall not be required to deposit a coin so long as his occupancy of the space does not exceed the indicated unused parking time.

- (2) This section shall apply every day between the hours of 8:00 a.m. and 6:00 p.m., except Sundays and legal holidays.

(G) *City parking lots and parking meters within the Downtown Business District Parking Zone.* For all the parking lots identified in subsection (A) and all parking meters. The following parking fees are established and shall be required to be paid by the owner or operator of any vehicle parked in those spaces or parking lots:

- (1) Long-term metered spaces (red-capped parking meters) -- \$.15 per hour.
- (2) All other parking meters -- \$.25 per hour.
- (3) Gated lot (per space) -- \$30.00 per month.
- (4) Long-term parking permits (hang tags) for use only at long-term (red-capped) meters -- \$30.00 per month.
- (5) Town Center Parking Deck -- not more than \$70.00 per month nor more than \$4.00 per day if space is available.

(H) *City parking lots and paid on-street parking spaces within the Entertainment District Parking Zone.* For parking in the WAC Lot, South Lot, East Lot, North Lot and all paid on-street parking spaces within the entertainment District Parking Zone, the following parking fees are established and shall be required to be paid by the owner or operator of any vehicle parked in those spaces or lots:

- (1) Monday through Friday
 - (a) 2:00 p.m. until 5:00 p.m. -- \$.50 per hour
 - (b) 5:00 p.m. until 2:00 a.m. the following day -- \$1.00 per hour
 - (c) 2:00 a.m. until 2:00 p.m. -- free parking
 - (d) 2:00 p.m. until 2:00 a.m. the following day -- the owner or operator of any vehicle shall have the option to choose a maximum day rate of \$5.00
- (2) Saturday and Sunday
 - (a) 2:00 p.m. until 6:00 p.m. -- \$.50 per hour
 - (b) 6:00 p.m. until 2:00 a.m. the following day -- \$1.00 per hour
 - (c) 2:00 a.m. until 2:00 p.m. -- free parking
 - (d) 2:00 p.m. until 2:00 a.m. the following day -- the owner or operator of any vehicle shall have the option to choose a maximum day rate of \$5.00
- (3) Motorcycle and motor scooter parking in specially designated motorcycle/motor scooter paid parking spaces. The above parking rates for normal, passenger car sized paid parking spaces shall be reduced by 50% for all specially designated motorcycle/motor scooter paid parking spaces. All motorcycles and motor scooters will have to pay the normal full rate if parked within a normal, passenger car sized parking space.
- (4) Discounted parking rates for employees. (Employee Parking Cards or coupons) In order to assist employees working in the Entertainment District Parking Zone, the Mayor is authorized to sell and issue Employee Parking Cards that can be used for certain more distant parking spaces at a highly discounted rate of up to 90% off the normal

FAYETTEVILLE CODE OF ORDINANCES
TITLE VII TRAFFIC CODE

parking rate.

- (5) Event Parking. The Parking Manager may approve a request from the Walton Arts Center staff to implement Event Parking when 600 or more patrons are expected to attend an event at the Walton Arts Center. Such Event Parking will require a person desiring to park their vehicle in the Walton Arts Center Parking Lot to pay a fee of \$5.00. The Walton Arts Center shall provide sufficient personnel to staff any Event Parking it requests.

- (6) West Annex Parking Lot 53. For parking in the West Annex Parking Lot 53 located at 346 West Avenue, the parking rates shall apply as follows:

- (a) Monday through Friday

5:00 pm until 2:00 am the following day -- \$1.00 per hour – the owner or operator of any vehicle shall have the option to choose a maximum day rate of \$5.00.

2:00 am until 7:00 am – free parking

7:00 am until 5:00 pm University permit parking only (enforced by U of A)

- (b) Saturday

2:00 pm until 6:00 pm -- \$.50 per hour

6:00 pm until 2:00 am the following day -- \$1.00 per hour

2:00 am until 2:00 pm – free parking

2:00 pm until 2:00 am the following day – the owner or operator of any vehicle shall have the option to choose a maximum day rate of \$5.00

- (c) Sunday

2:00 pm until 6:00 pm -- \$.50 per hour

6:00 pm until 2:00 am the following day -- \$1.00 per hour

2:00 am until 7:00 am Monday – free parking

2:00 pm until 2:00 am the following day – the owner or operator of any vehicle shall have the option to choose a maximum day rate of \$5.00.

- (I) *Rates for parking in city parking garages.*

- (1) City parking garage on Meadow Street:

(a) First level (covered), \$50.00 per space/per month, or not more than \$4.00 per visit if entry not restricted.

(b) Second level (covered), \$50.00 per space/per month

(c) Third level (not covered), \$30.00 per space/per month, or not more than \$3.00 per visit if entry not restricted.

- (2) Parking garages built or purchased after January 1, 2000, including the Town Center, shall be rented at a market rate not to exceed a uniform fee of \$70.00 per month/per space.

- (3) It shall be unlawful for any person to cause, allow, permit or suffer any vehicle operated by him or registered in his name to be parked in any city parking garage without paying the parking fees prescribed above.

- (J) *Overtime parking.*

- (1) If any vehicle remains parked in any metered parking space or within a paid parking lot beyond the period paid for such parking, the owner or operator of such vehicle shall be guilty of overtime parking and be subject to the punishment specified in §72.99.

- (2) It is unlawful for any person to cause, allow or permit any vehicle owned or operated by said person to be parked in a gated city lot for more than 24 continuous hours. Any such illegally parked vehicle is subject to the provisions of §72.99 and to nonconsensual towing at the owner's expense who shall have post-deprivation hearing rights as set for in subsection (L).

- (K) One-way traffic and improperly driving through or around gates on city parking lots.

- (1) The mayor is hereby authorized to determine and designate specific lanes upon the real estate described in subsection (A) above upon which vehicular traffic shall proceed in one direction only and shall cause to be placed appropriate markings, signs, barriers, or other devices to give notice thereof. The mayor shall cause to be erected signs temporarily designating lanes to be used by traffic moving

FAYETTEVILLE CODE OF ORDINANCES
TITLE VII TRAFFIC CODE

in a particular direction, regardless of the centerline of the roadway.

- (2) When signs indicating the direction of traffic are erected and maintained in accord with subsection (1) above, vehicular traffic shall move only in the indicated direction, and it shall be unlawful for any person to operate any vehicle in violation of the markings, signs, barriers, or other devices placed in accordance with subsection (1) above.
- (3) No driver may attempt to leave a gated city parking lot without paying the amount of parking fees due pursuant to subsections (G) or (H) by driving around the gate, by improperly driving through a gated entry or exit or by damaging or improperly manipulating any part of the gate.

(L) *Immobilization of illegally parked motor vehicle.*

- (1) *Immobilization authorized.* Employees of the traffic division and officers of the police department are hereby authorized to temporarily immobilize any vehicle which is parked in violation of any provision of this chapter and whose owner has been cited for violating these parking regulations at least twice in the preceding thirty days or has outstanding fines and costs from previous parking violations due and owing.
- (2) *Post-deprivation hearing.* When any vehicle is immobilized under the provisions of this section, the owner or operator shall have the right to a post-deprivation administrative hearing by filing a written request for such a hearing with the mayor.
- (3) *Conduct of hearing.*
 - (a) A hearing shall be conducted before a hearing officer designated by the mayor and shall be held within 24 hours from receipt of a written demand therefor, unless the right to a speedy hearing is waived in writing. Saturdays, Sundays, and city holidays are to be excluded from calculating said 24-hour period. The hearing officer shall not be the person who directed the impounding and storage of the vehicle. The sole issue before the hearing officer shall be whether there was probable cause to immobilize the vehicle in question.

- (b) The hearing officer shall conduct the hearing in an informal manner and shall not be bound by technical rules of evidence. The person demanding the hearing shall carry the burden of establishing that such person has the right to possession of the vehicle. The city shall carry the burden of establishing that there was probable cause to immobilize the vehicle in question. At the conclusion of the hearing, the hearing officer shall prepare a written decision. A copy of such decision shall be provided to the person demanding the hearing and to the registered owner of the vehicle. The hearing officer's decision shall in no way affect any criminal proceeding in connection with the immobilization. The decision of the hearing officer shall be final. Failure to request a post-immobilization hearing within three days from the date of immobilization, or failure to attend a scheduled post-immobilization hearing shall be deemed a waiver of the right to such hearing; and, the police department shall be authorized to have the vehicle towed to and stored at a safe place designated as an official police garage by the chief of police. The owner or operator of the vehicle shall be liable for all towing and storage fees.

(4) *Decision of hearing officer.*

- (a) The hearing officer shall only determine whether there was probable cause to immobilize the vehicle. If the hearing officer determines that there was no probable cause, the hearing officer shall prepare and date a certificate of no probable cause, a copy of which shall be given to the registered owner of the vehicle or his agent and to the police department and traffic division. Upon receipt of the owner's copy of such certificate, an employee of the traffic division or an officer of the police department shall remove the immobilization device from the vehicle.
- (b) If the hearing officer determines that there was probable cause for immobilizing the vehicle, the registered owner, or his agent, may obtain removal of the immobilization device by posting a bond in a reasonable amount specified by the district court. The amount of said bond

FAYETTEVILLE CODE OF ORDINANCES
TITLE VII TRAFFIC CODE

shall be not less than a sum equivalent to the cumulative total of applicable fines, court costs, towing fees and storage fees. Upon presentation of a receipt evidencing the posting of said bond, an employee of the traffic division or an officer of the police department shall remove the immobilization device from the vehicle.

(M) The Mayor is empowered by proclamation and issuance of a special event permit to assign any or all city owned paid parking lots and specifically designated or all on-street paid parking spaces within the Entertainment District Parking Zone for the use of a permitted special event or other necessary reason for not more than sixteen (16) days per calendar year.

(N) *Electric Vehicle Charging Station.* The Parking Manager is authorized to designate an Electric Vehicle Charging Station parking space in Lot 1 to prohibit all non-electric vehicles from parking in this space. The owner or operator of such electric vehicle shall only park in this space while charging the vehicle's battery and shall pay normal parking rates while parked in this space.

(Code 1965, §§19-185--19-195; Ord. No. 1083, 6-6-55; Ord. No. 1197, 4-6-59; Ord. No. 1231, 1-25-60; Ord. No. 1242, 8-8-60; Ord. No. 1576, 11-6-67; Ord. No. 1802, 6-21-71; Ord. No. 1866, 6-5-72; Ord. No. 2613, 3-18-80; Ord. No. 2769, 11-3-81; Ord. No. 2815, 6-15-82; Ord. No. 2875, 11-23-82; Ord. No. 2914, 4-19-83; Ord. No. 2939, 9-12-83; Ord. No. 3995, §1, 9-17-96; Ord. No. 4222, 2-15-00; Code 1991, §72.58; Ord. No. 4889, 06-20-06; Ord. 5324, 6-1-10; Ord. 5340, 8-3-10; Ord. 5369, 12-7-10; Ord. 5407, 5-3-11; Ord. 5408, 5-3-11; Ord. 5597, 07-02-13; Ord. 5598, 7-2-13; Ord. 5604, 8-6-13)

Cross reference(s)--Penalty, §72.99.

72.59 Dickson Street Entertainment District Annual Parking Pass Program

Notwithstanding any other provision of this Code to the contrary, any person who desires to park a vehicle in the Dickson Street Entertainment District may do so by purchasing a Dickson Street Entertainment District Annual Parking Pass for the vehicle pursuant to the program created herein.

(A) Validity and Usage

- (1) An annual parking pass, valid for use only in the Dickson Street Entertainment District, shall permit the vehicle to which the pass has been issued to park in any valid paid parking space in the District, without the requirement of paying any pay station or meter.
- (2) The annual parking pass shall not be valid for parking in any public gated lots which require

payment upon exit.

- (3) The annual parking pass shall not be valid for parking in any residential parking zone.
- (4) The annual parking pass shall not guarantee a parking space to a vehicle with an annual parking pass.
- (5) The annual parking pass shall not be valid for any parking space marked as "No Parking".
- (6) The annual parking pass shall be visible from the exterior of the vehicle while it is parked in the District, and it shall display an identifying number.

(B) Issuance, Transfer & Costs

- (1) An annual parking pass, valid from August 1st through July 31st the following year and issued pursuant to this section, shall cost \$600.00. The total cost shall be reduced if purchased after August 1st but before June 1st the following year by an amount equal to the total annual cost divided by the total number of days remaining before the next August 1st. Any annual parking pass purchased on or after June 1st shall only become valid on the following August 1st.
- (2) An annual parking pass is vehicle specific in that it shall be tied to only one vehicle license plate number, and not to any particular person.
- (3) An annual parking pass may be transferred to another vehicle upon payment of a \$25.00 processing fee.
- (4) No refunds shall be issued for any annual parking pass.

(Ord. 5371, 12-7-10)

72.60-72.69 Reserved

ARTICLE IV NONCONSENSUAL TOWING REGULATIONS

72.70 Application

- (A) These nonconsensual towing regulations shall apply within the Entertainment District Parking Zone shown on Exhibit A for the nonconsensual towing of a vehicle subject to registration under the

FAYETTEVILLE CODE OF ORDINANCES
TITLE VII TRAFFIC CODE

laws of Arkansas if it is found abandoned, parked without the consent of the property owner or the owners' agent, parked in violation of the time period or location agreed to by the owner or owner's agent, or for whatever reason the owner or owner's agent believes a vehicle, which is not the property of the owner or owner's agent, should be towed. These regulations do not apply to removal of vehicles from publicly owned or leased property, nor to police initiated tows. The sign requirements do not apply to residential driveways or parking lots designed for four or fewer vehicles. These regulations shall apply city-wide where indicated in §72.72.

- (B) *Private pay to park lots within the Downtown Business District Parking Zone.* Owners/managers of private pay to park lots within the Downtown Business District Parking Zone shall follow and obey all requirements set forth in §§ 72.71, 72.72, and 72.73 of the Parking Regulations Chapter. These regulations do not apply to removal of vehicles from publically owned or leased property, to police initiated tows, nor to other than private pay to park lots.

(Ord. 5322, 6-1-10; Ord. 5611, 9-3-13)

72.71 Requirements For Proper Signage Before Nonconsensual Towing From Private Parking Lots Is Permitted Within The Entertainment District Parking Zone

- (A) Exemption from the Sign Ordinance. All signs required by this section shall be exempt from further regulation of the Sign Ordinance pursuant to §174.03(F).
- (B) Location and Size of Nonconsensual Towing Warning Sign. Every private parking lot with five or more spaces must have an easily readable Nonconsensual Towing Warning Sign that is not more than 16 square feet, devoid of any advertising and prominently placed at each entrance to the parking lot.
- (C) Contents of Sign for 'Paid Parking Lot'. The Nonconsensual Towing Warning Sign shall contain only the following information in clearly legible letters at least one inch in height in the following order from the top of the sign for a private parking lot that allows paid parking.

- (1) The symbol for towing vehicles.
- (2) 'Private Parking Lot.'

- (3) Either 'Pay to park at all hours' or 'Pay to park during (posted) hours.'
- (4) At the owner's option, the sign may show the hourly rate and any maximum day or evening rate for parking in the lot.
- (5) 'Parking in violation of posted restrictions will result in towing of vehicle at owner's expense, up to \$60.00, plus storage of up to \$10.00 per day.'
- (6) Name, address (including physical address of storage lot), and telephone number of towing and storage firm authorized to tow vehicles from this private lot.

- (D) Contents of sign for 'Customers Only' or 'Residents Only' Parking Lot. The Nonconsensual Towing Warning Sign shall contain only the following information in clearly legible letters at least one inch in height in the following order from the top of the sign for a private parking lot that prohibits public parking and allows only residents or customers to park.

- (1) The symbol for towing vehicles.
- (2) 'Private Parking Lot.'
- (3) 'Customers Only' or 'Residents Only.' The owner may denote the business or residential complex.
- (4) 'Parking of unauthorized vehicle will result in towing of vehicle at owner's expense, up to \$80.00, plus storage of up to \$10.00 per day.'
- (5) Name, address (including physical address of storage lot), and telephone number of towing and storage firm authorized to tow vehicles from this private lot.

(Ord. 5322, 6-1-10)

72.72 Regulations Of Towing And Storage Companies

- (A) *Valid licenses required.* Any towing and storage company operating anywhere in the City of Fayetteville must be in full compliance with all state and local license requirements, A.C.A. §27-50-1101, the Fayetteville Code, and be in good standing with the Arkansas Towing and Recovery Board.

FAYETTEVILLE CODE OF ORDINANCES
TITLE VII TRAFFIC CODE

(B) *Allowed charges for nonconsensual towing and storage.* Within the Entertainment District Parking Zone, no Towing and Storage Company may charge a nonconsensually towed vehicle's owner/driver more than \$60.00 if the vehicle is towed from a 'Paid Parking Lot', \$80.00 if the vehicle is towed from a 'Customers Only' or 'Residents Only' Parking Lot, and \$100.00 if the vehicle is towed from private property not classified as a 'Paid Parking Lot' or 'Customers Only' or 'Residents Only' Parking Lot. In addition, the towing and storage company may charge up to \$10.00 per day for storage beginning twelve hours after the nonconsensually towed vehicle is placed in the storage lot and available to be reclaimed by its owner or driver. The maximum \$100.00 towing fee and \$10.00 per day storage fee for a nonconsensual tow from private property that is not police initiated is applicable everywhere within the entire city limits. The above fees are the total amount that can be charged to the owner/operator. No administrative, special equipment or other fee can be charged to the owner/operator of the vehicle.

(C) *Payments by owner/operator for towing and storage charges.* The towing and storage company must accept valid credit and debit cards for payment of towing and storage fees and may accept any other form of payment.

(D) *Location of storage yard.* The towing and storage company may not charge mileage or transportation fees for towing the vehicle to its storage lot which must either be located within Fayetteville or not more than eight miles from the place from which the vehicle was towed.

(E) *Company must answer telephone.* The towing and storage company shall answer every telephone call for the number displayed upon the Nonconsensual Towing Warning Sign during every 12 hour period immediately after a vehicle has been towed if such vehicle remains in the towing and storage company's possession.

(Ord. 5322, 6-1-10)

72.73 Regulation of Wheel Clamps or Booting on Private Pay to Park Lots Throughout Fayetteville

(A) *Exemption from the Sign Ordinance.* All signs required by this section shall be exempt from further regulation of the Sign Ordinance pursuant to § 174.03(F).

(B) *Location and size of Wheel Clamps/Booting Warning Sign.* Every owner of a private pay to park lot with five or more spaces that desires to use wheel clamps (also known as boots) must have an easily readable Wheel Clamp/Booting Warning Sign that is not more than 16 square feet, devoid of any advertising and prominently placed at each entrance to the parking lot.

(C) *Contents of Sign for Private Pay To Park Lots.* The Wheel Clamp/Booting Warning Sign shall contain only the following information in clearly legible letters at least one inch in height in the following order from the top of the sign for a private parking lot that allows paid parking.

(1) "Private Pay To Park Lot."

(2) At the option of owner, the sign may identify the lot by name.

(3) Either "Pay to park at all hours" or "Pay to park during (posted hours)."

(4) At the owner's option, the sign may show the hourly rate and any maximum day or evening rate for the parking lot.

(5) "Parking in violation of posted restriction will result in a fee for the booting and overtime parking of the vehicle at owner's expense, up to a maximum total of \$40.00."

(6) Name, address and telephone number of firm authorized to boot vehicles on this private pay to park lot.

(7) If the private pay to park lot owner wishes to boot and tow overparked vehicles, the sign information required by this section and § 72.71 may be combined into a single sign.

(D) *Allowed maximum charge for placing and removing a wheel clamp or boot upon an overparked vehicle.* No private pay to park lot owner, manager, company or other entity may charge more than Forty Dollars (\$40) total to place and remove a wheel clamp or boot on a vehicle that has been parked longer than the period for which the vehicle's owner has paid to park. No other fees may be charged. With proper signage required by § 72.71, the parking lot owner, manager, company or other entity managing the lot may tow this vehicle pursuant to the Fayetteville Code, but can charge only the nonconsensual towing fee and not

FAYETTEVILLE CODE OF ORDINANCES
TITLE VII TRAFFIC CODE

add or charge the booting fee allowed in this section.

(E) *Payment by the owner/operator for the installation and removal fee for Wheel Clamps or Boots.* The parking lot owner, manager, company or other entity which has installed wheel clamps or boots upon overparked vehicles must accept valid credit and debit cards and cash for the payment allowed by (D) at the parking lot and may accept any other form of payment. An accurate and legible receipt for this payment must immediately be provided to the vehicle owner or operator.

(F) *Company must answer telephone and promptly remove wheel clamp.* The private pay to park lot owner, manager, company or other entity shall immediately answer every telephone call for the number displayed upon the Wheel Clamp/Booting Warning Sign after a vehicle has been booted as long as such vehicle remains in the company's possession. The entity must respond to any telephone call or other notice from the vehicle's owner or operator and remove the wheel clamp within 15 minutes of such call or notice if the owner or operator has paid the allowed fee. All wheel clamp company employees dealing with customers must wear a company uniform and display a company photo ID.

(G) *Permit for Wheel Clamp Company employees and required criminal background checks.* Every wheel clamp employee who may come into contact with the public shall obtain a permit from the Parking Division before beginning employment with the wheel clamp company. The cost to obtain the wheel clamp company employee permit is \$5.00. In applying for the permit, each applicant shall provide the following to the Parking Division:

- (1) The name of the owner or manager of the wheel clamp company;
- (2) The name, address and telephone number of the wheel clamp company employee and his or her photo identification;
- (3) A signed statement under oath that the person applying to be a wheel clamp company employee has not been convicted of felonies or misdemeanors involving sexual offenses or violence within the last five years;
- (4) A criminal background check from the Arkansas State Police and from the State Police of the state which issued the Driver's License of the wheel clamp company

employee which shows that the employee has not within the preceding five years been convicted of any felonies or misdemeanors involving sexual offense or violence, nor has been incarcerated in prison at any time during the last five years for a violent or sexual offense;

- (5) No person shall be issued a permit as a wheel clamp company employee who has been convicted of any of the offenses set out above or who has been in prison at any time during the last five years for such offense.

(H) *No application to University of Arkansas property.* §§ 72.71-.73 have no limitation, application or effect upon the University of Arkansas's nonconsensual towing or booting powers for vehicles parked on any University of Arkansas lot or parking space.

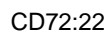
(Ord. 5610, 9-3-13)

72.74-72.98 Reserved

72.99 Penalties

- (A) Whoever violates any provision of this chapter for which no specific penalty is otherwise provided shall be fined as set forth in §10.99.
- (B) The penalty for each violation of §§72.04, 72.06, 72.08, 72.10, 72.12, 72.13, 72.57 or 72.58(J) shall be \$15.00, if paid before the issuance of a summons, citation or arrest warrant; otherwise, the penalty for each violation shall be \$40.00.
- (C) The penalty for each violation of §§72.03, 72.09, 72.11, 72.15, 72.18, 72.30, 72.31, 72.32 and 72.33 shall be \$70.00 if paid before the issuance of a summons, citation or arrest warrant, otherwise the penalty shall be \$95.00 after such issuance.
- (D) Parking citations for overtime parking may not be written for the same vehicle in the same space more than once every four (4) hour period and not more than three (3) times per day.
- (E) The Parking Manager may reduce the amount of fine assessed for good cause shown by the driver/operator prior to forwarding the ticket to the City Prosecutor's Office.

(Ord. 5325, 6-1-10; Ord. 5370, 12-7-10; Ord. 5598, 7-2-13)

Entertainment District Pay Parking Area EXHIBIT A

FAYETTEVILLE CODE OF ORDINANCES
TITLE VII TRAFFIC CODE

(Ord. 5598, 7-2-13)

